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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/028,990 | 12/28/2001 | Juergen Fahrenbach | 852/50752 | 3784 |

7590 05/08/2003

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| EXAMINER |
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NGUYEN, JIMMY T

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| ART UNIT | PAPER NUMBER |
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3725

DATE MAILED: 05/08/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,990

Applicant(s)

FAHRENBACH, JUERGEN

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on February 28, 2003 under 37 CFR 1.131 has been considered and an action on the merits follows.

Drawings

The proposed drawing correction submitted with red lines corrections, filed on February 28, 2003 has been acknowledged and approved by the Examiner.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the knee link elements being operatively associated with the inner and outer slide (claim 10). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Specification

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter. Page 7, line 15 to page 8, line 9, it is not clear of how the arrangement of link elements 20a and 20b of the outer slide 2a is working with the arrangement of the link elements 5a and 5b of the inner slide 2b, and what drive the link elements 20a and 20b. If both sets of link elements

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20a, 20b and 5a, 5b are driven by the same driving device (3), how do they connect together in order to make it work?

Claim Objections

Claim 1, line 8 is objected to because of the following informalities:

a “,” should be added after the word “slide” in order to avoid confusion between two sentences.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See discussion in the objection to the specification above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 7, and 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. In general, the claims are replete with indefiniteness and unclear, rendering a clear understanding difficult. For example:

Regarding claim 1, lines 5-8, it is not clear of what is the structural relationship of the other connection end of at least one knee link element and the press machine, and the structural relationship of the other connection end of the at least one other knee link element and the press machine, in order to make the press machine work.

Regarding claim 3, there is no antecedent basis for “the at least one knee element” and “the at least one other knee element” in the claim.

Regarding claim 9, the claim is very confusing for it is unclear of how many knee link elements are claimed and how they are connected together. It is not clear how each of the at least two knee link elements is connected by the connection elements respectively with two of the at least two knee link elements. Additionally, it is not clear what is the structural relationship between the knee link elements in addition to the two of the at least two knee link elements and other element in the press machine. It is suggested that applicant should claim all of the knee link elements as a first knee link element, a second knee link element, a third knee link element, etc.... to avoid structural confusion.

Regarding claim 11, the independent claim is rejected for improperly referring to another independent claim 1. It is not clear of how the at least one link system according to claim 1 is incorporated into the multi-station press of claim 11 in order to make it work together. Moreover, it is not clear if all the limitations of claim 1 is intended to be claimed on the metes and bounds of this claim.

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Regarding claim 11, line 4, it is not clear whether “a driving device” is the same driving device of the knee link system in as claimed in claim 1. Note that there is only one driving device is disclosed in the invention.

Regarding line 3 of claims 12 and 14, the recitation “at least two of the at least one knee link element” is vague and indefinite. If there is only one knee link element, then the term “at least two” renders the claim indefinite.

Regarding claim 13, there is no antecedent basis for “the adjacent presses” in the claim.

The claims should be carefully reviewed for clarity and definiteness.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7, 9, and 11-18, as best as can understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eigenmann (US 5,823,087).

Regarding claims 1, 3, and 7, Eigenmann discloses a press comprising: a press frame (23); at least one slide (56) driveable by at least one link system (see left haft of the press machine in figure 1) and a driving device (51) operatively associated with the at least one link system (see fig. 1), wherein the at least one link system includes at least one knee link element (16a, 16b) operated connected between the press frame and the at least one slide, at least one other knee link element (15a, 15b) operated connected between the press frame and the at least

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one slide, a connection element (9a) operatively connecting the at least one knee link element and the at least one other knee link element, and being associated with the driving device in a manner which controls tilting movement (by eccentric section 4a), respective hinge points (11, 12) are situated between the connection element and each of the at least one knee element and the at least one other knee element (see fig. 1), the driving device is connected with a first of the at least one knee element by way of at least one connecting rod (5) operatively associated with at least one (12) of the hinge points.

With regard to a plurality of connecting elements operatively connecting the at least one knee link element and the at least one other knee link element, and two further link element associated with the connecting elements to form a parallelogram, Eigenmann discloses one connecting element connecting the at least one knee link element and the at least one other knee link element together. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have multiple connecting elements to connect the at least one knee link element and the at least one other knee link element together, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 9, Eigenmann discloses the at least one slide has the knee link element connected by the connection element respectively with the other knee link element. Eigenmann does not disclose the at least one slide has at least two knee link elements, each connected by the connection elements respectively with each of the at least two other knee link elements. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have two knee link elements on each side of two sides of the at least one

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slide, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 11, Eigenmann discloses a multi-station press comprising a plurality of individual presses (56, 57), at least one slide (57) driveable by at least one link system of the other slide (56) and a driving device (51) operatively associated with the at least one link system (see fig. 1), wherein the at least one link system has at least one knee link element (16a, 16b) associated with the at least one slide of a first (56) of the individual presses and is connected by at least one connecting element (6) with the at least one knee link element (17a, 17b) of the at least one slide (57) of a second of the individual presses adjacent the first of the individual presses (see fig. 1).

Regarding claim 12, Eigenmann discloses at least two (15a, 15b, 16a, and 16b) of the knee link elements operatively associated with the at least one slide (56) are operatively mounted on each of the at least one slide (56) of the individual presses, one (15a, 15b) of the at least two knee link elements (15a, 15b, 16a, and 16b) being connected by at least one connecting element (9a) with one (16a, 16b) of the at least two knee link elements (15a, 15b, 16a, and 16b) mounted on each slide (56) of adjacent presses.

Regarding claim 13, Eigenmann discloses the connection elements (7, 8) operatively connecting the two knee link elements of the slides of adjacent presses.

Regarding claim 14, Eigenmann discloses at least two knee link elements (15a, 15b, 16a, and 16b) are operatively mounted at each of the at least one slide (56), with one knee (11) of the of the at least two link elements (15a, 15b, 16a, and 16b) being connected by at least one

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connecting element (9a). With regard to a plurality of connecting elements, see similar rejection in claim 1.

Regarding claims 15-17, mere replication of elements does not warrant patentability. Eigenmann discloses the connection elements (9a, 10a) having the same length (see fig. 1). Eigenmann does not disclose the connection elements having a different length nor an adjustable length link. It would have been obvious to one of ordinary skill in the art at the time the invention was made to alter the length of the connection element of Eigenmann to achieve a different slide travel because these element is in linkage, and it is a well known mechanical principle that altering any member of a linkage would result in a modification of the slide travel, and accordingly a change to the element to a different size or shape would inherently change the adjustment/movement of the slide as well.

Regarding claim 18, Eigenmann discloses slides (56, 57) arranged side-by-side and lockable with one another at points (7,8).

Claim 10, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Eigenmann, in view of Kita (US 3,695,090). Eigenmann discloses the slide, Eigenmann does not disclose the slide has an outer slide and an inner slide and their associated knee link elements. However, Kita, in a similar pressing art, teaches a slide that has an outer slide (33) driven by two sets (see figure 4) of knee link elements (32) and an inner slide (21) driven by two sets (see figure 4) of knee link elements (15). It would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide Eigenmann with

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the press type (inner and outer slide) of link mechanism as taught by Kita to increase productivity (see column 1, lines 50-67).

Response to Arguments

Applicant's arguments filed February 28, 2003 have been fully considered but they are not persuasive.

With regard to the 35 USC 112, first paragraph rejection of claim 10, applicant argues that press installations with inner and outer slides have been known for some time, such as US patent No. 5,375,513. Therefore, one ordinary skilled in the art will have no problem whatsoever in devising a driving mechanism without undue experimentation. The argument is not found persuasive because US patent No. 5,375,513 shows a press machine having inner slides operated by cylinder mechanism mounted inside an outer slide, and the outer slide operated by a linkage drive mechanism, which is structurally different from the instant invention. Claim 10 claims the knee link elements being operatively associated with the inner and outer slide. Therefore, every claimed invention must clearly disclose in the specification in such a way as to enable one skilled in the art to understand how the knee link elements being operatively associated with the inner and outer slide.

With regard to applicant remark on page 11, second paragraph, the Examiner made some suggestions in the last Office Action in an effort to work out mutually acceptable claim language. However, applicant does not amend the claims properly in accordance to the Examiner suggestion in order to avoid indefiniteness, but rather the applicant creates further confusion to the claims. The claims should be carefully reviewed for clarity and definiteness.

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With regard to the 35 USC 102 (b) rejections to claim 1, applicant argues that the Eigenmann patent does not teach the subject matter of claim 1. However, claim 1, as amended, does not claim a linkage system that has three links as argued on page 11, last paragraph. Claim 1 calls for a linkage system that has at least one knee link element (not one link element) and at least one other knee link element. Additionally, the third link element is not claimed.

With regard to the argument of two additional link elements in conjunction with the connecting elements to form a parallelogram (page 11, line 22 to page 13, first paragraph), Eigenmann discloses one connecting element connecting the at least one knee link element and the at least one other knee link element together. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have multiple connecting elements to connect the at least one knee link element and the at least one other knee link element together, since mere duplication of the essential working parts of a device involves only routine skill in the art. Once multiple connecting elements are provided between the at least one knee link element and the at least one other knee link element, the connections at hinge points (11, 12) would require additional link elements to connect the multiple connecting elements, which inherently form a parallelogram. In general, Applicant merely takes the common pivot hinged points (11, 12) for links (15a, 15b, 16a, 16b) and separated them into separate pivots. This is not patentably distinct from the instant application from the Eigenmann reference as both operate mechanically the same and accomplish the same results.

With regard to the 35 USC 103(a) rejections to claim 10, the claim does not specifically recite how the inner and the outer slide is being operated by the press. Kita teaches both inner and outer slides are operated by linkage mechanism. Therefore, it is proper to combine both

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references. Moreover, applicant has admitted in his remarks that "one ordinary skilled in the art will have no problem whatsoever in devising a driving mechanism without undue experimentation". Accordingly, this limitation is rendered obvious.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen
May 6, 2003



WILLIAM HONG
PRIMARY EXAMINER